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<b>Effective on 12/08/2004.</b> <b>Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</b>		<b>Complete if Known</b>	
<b>FEE TRANSMITTAL</b> <b>For FY 2005</b>		Application Number	09/619,917-Conf. #3874
		Filing Date	July 20, 2000
		First Named Inventor	Toshio Nomura
		Examiner Name	N. T. Tran
		Art Unit	2615
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Attorney Docket No.	49982 (70551)
<b>TOTAL AMOUNT OF PAYMENT</b>		<b>(\$)</b>	<b>1,240.00</b>

**METHOD OF PAYMENT** (check all that apply)

☐ Check   ☐ Credit Card   ☐ Money Order   ☐ None   ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account   Deposit Account Number: 04-1105   Deposit Account Name: Edwards Angell Palmer & Dodge LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below   ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17   ☒ Credit any overpayments

**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

**Total Claims**   **Extra Claims**   **Fee (\$)**   **Fee Paid (\$)**   **Multiple Dependent Claims**

\_\_\_\_\_ - 20 = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_   **Fee (\$)**   **Fee Paid (\$)**

**Indep. Claims**   **Extra Claims**   **Fee (\$)**   **Fee Paid (\$)**

\_\_\_\_\_ - 3 = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____	_____	_____ / 50 _____ (round up to a whole number) x _____	_____	_____

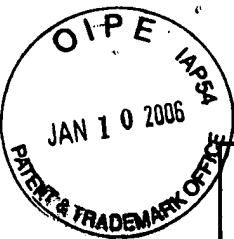
**4. OTHER FEE(S)**

	Fees Paid (\$)
Non-English Specification, \$130 fee (no small entity discount)	
Other (e.g., late filing surcharge): 1252 Extension for response within second month	450.00
1801 Request for continued examination (RCE) (see 37 ...)	790.00

<b>SUBMITTED BY</b>			
Signature		Registration No. (Attorney/Agent)	36,984
Name (Print/Type)	John J. Penny, Jr.	Telephone	(617) 439-4444
		Date	January 10, 2006

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 754865145 US, in an envelope addressed to: MS RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: January 10, 2006   Signature: (Nicole McKinnon)



Application No. (if known): 09/619,917

Attorney Docket No.: 49982 (70551)

## Certificate of Express Mailing Under 37 CFR 1.10

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Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Request for Continued Examination Transmittal (1 page);

Fee Transmittal (1 page);

Request for Extension of Time (2 pages);

Copy of Amendment as previously filed on November 10, 2005 (8 pages);

Charge \$1,240.00 to deposit account 04-1105; and return receipt postcard.



Attorney Docket No.: 49982 (70551)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: Toshio Nomura, et al.

Confirmation No.: 3874

U.S.S.N. 09/619,917

Art Unit: 2615

FILED: July 20, 2000

Examiner: Nhan T. Tran

**COPY**

FOR: IMAGE PICKUP APPARATUS CAPABLE OF SELECTING OUTPUT  
ACCORDING TO TIME MEASURED BY TIMER

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By:

*Nicole McKinnon*  
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\*\*\*\*\*

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**AMENDMENT UNDER 37 C.F.R. § 1.116**

Sir:

In response to the Final Office Action dated August 10, 2005, Applicant submits the following Amendment.

**IN THE CLAIMS:**

1. (Currently Amended) An image pickup apparatus taking a first image including only a background but not an object and a second image including the object, and having a shutter button for releasing a shutter, comprising:

a time measuring portion measuring a time after said shutter button is pressed; and

an output selecting portion outputting [[an]] only a single image taken when a first predetermined period of time is measured by said time measuring portion as one of said first image and second images, and outputting an image taken when a second predetermined period of time is further measured by said time measuring portion after the first period of time as the other of said first and second images, wherein said first image is updated by using an image of a region other than the object region of said second image every time a prescribed period is elapsed.

2. (Currently Amended) The image pickup apparatus according to claim 1, further comprising:

a region extracting portion using said first and second images for outputting information of an object region of said second image; and

a recording portion recording positional information data [[of positional information]] of said object region, and one of data representing said second image and image data included in said object region onto a recording region.

3. (Original) The image pickup apparatus according to claim 1, further comprising:

a region extracting portion using said first and second images for outputting positional information of an object region of said second image;

an image composing portion replacing an image in a region other than said object region of said second image with a prepared background image; and

a recording portion recording data of the image composed by said image composing portion onto a recording medium.

4. (Cancelled)

5. (Cancelled)

6. (Original) The image pickup apparatus according to claim 1, further comprising a recording portion recording the data of said first image and second image onto a recording medium.

7. (Original) The image pickup apparatus according to claim 1, further comprising a notifying portion notifying a timing at which pickup of said first image is finished and a timing at which pickup of said second image is started.

8. (Currently Amended) The image pickup apparatus according to claim 2, wherein said recording portion records said positional information data in a compressed form.

9. (Original) The image pickup apparatus according to claim 3, wherein said recording portion records said data in a compressed form.

10. (Currently Amended) An image pickup apparatus taking a first image including only a background but not an object and a second image including the object, and having a shutter button for releasing a shutter, comprising:  
a time measuring portion measuring a time after said shutter button is pressed; and  
an output selecting portion outputting only a single image taken when a first predetermined period of time is measured by said time measuring portion as said first image, and outputting an image taken when a second predetermined period of time is further measured by said time measuring portion after the first period of time as said second image, wherein said first image is updated by using an image of a

Amendment Under 37 C.F.R. § 1.116

U.S.S.N.: 09/619,917

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region other than the object region of said second image every time a prescribed period is elapsed.

**REMARKS**

Claims 1-3 and 6-10 are pending in the present application.

**I. FORMAL MATTERS**

Claim 8 is rejected under 35 U.S.C. § 112, second paragraph. Applicant submits that the amendments to claim 8 presented above address and resolve the Examiner's noted comments. The similar amendment has been made to claim 2 herein.

**II. PRIOR ART REJECTIONS**

**A. Claims 1-3 and 6, 7 and 10**

Claims 1-3 and 6, 7 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ahmad (U.S. Patent 6,532,022) in view of Parulski (U.S. Patent 5,914,748). This rejection is traversed.

This rejection is substantially similar to the rejection of claims 1-3 and 6, 7 and 10 set forth in the office action dated March 9, 2005. Further, the Examiner asserts that Applicant's arguments presented in the Amendment filed on June 9, 2005 are not persuasive. Applicant has amended independent claims 1 and 10 herein to recite that only a single image is input after a predetermined amount of time, as shown above. Applicant submits that this feature is not taught or suggested by Ahmad and Parulski.

As discussed in the Amendment filed on June 9, 2005, in Ahmad, once a shutter button has been pressed, a plurality of images for a background are repeatedly input. Specifically, Ahmad teaches to perform a set number of iterations to create the background image until certain criteria are met before taking the second image (see Figs. 3A and 3B, col. 6, line 48 – col. 7, line 47). Ahmad teaches to use an iterative process to first create a background image by averaging several frames of a background image. After the number of iterations reaches the desired number of iterations N, the system computes the tolerance for each pixel (see boxes 308, 310 and 312 in Fig. 3A) and captures a frame of an input image. When there are no more pixels in the average image, the process captures a frame of an input image containing a background image and the object (see box 314). Therefore, in Ahmad, once a shutter button has been pressed, a plurality of images for a background are repeatedly input. In the present invention, after a shutter button has been pressed, when a predetermined amount of time elapses, a single image for a background is input. This effectively limits the adverse effects caused by hand movement.

Parulski fails to make up for this deficiency of Ahmad. Therefore, because the combination of Ahmad and Parulski does not form the invention defined by claims 1 and 10, on which claims 2, 3, 6 and 7 depend, the rejection of claims 1-3, 6, 7 and 10 under 35 U.S.C. § 103(a) is overcome (see MPEP 2143.03).



Also, because Ahmad teaches to input a plurality of images for a background once a shutter button has been pressed, Ahmad teaches away from the claimed invention, in which only a single image is input after a predetermined amount of time.

Therefore, Applicant submits that the rejection of claims 1-3, 6, 7 and 10 under 35 U.S.C. § 103(a) is overcome. Thus, Applicant respectfully submits that the rejection should be withdrawn.

B. Claims 8 and 9

Claims 8 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ahmad in view of Parulski and further in view of U.S. Patent 5,267,333 (Aono). This rejection is traversed.

Aono fails to make up for the above-noted deficiencies of Ahmad and Parulski. Therefore, because the combination of Ahmad, Parulski and Aono does not form the invention defined by claims 8 and 9 the rejection of claims 8 and 9 under 35 U.S.C. § 103(a) is overcome and should be withdrawn (see MPEP 2143.03). Also, as presented above with respect to the rejection of claims 1-3, 6, 7 and 10, Ahmad teaches away from the claimed invention.

Based on the foregoing, Applicant submits that the present application is in condition for allowance and allowance is respectfully solicited. If the

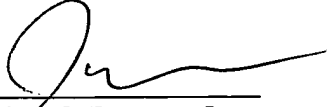
Examiner believes that any of the outstanding issues could be resolved by a telephone conference, Applicant respectfully requests the Examiner to contact the undersigned at the telephone number listed below.

Applicant believes that no additional fees are due for the subject application. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. 04-1105.

Date: November 10, 2005

Customer No.: 21874

Respectfully Submitted,

  
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